



Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

*Your Committee on Public Health, to which was referred House Bill 1497, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 10-17-13.5-6, AS AMENDED BY P.L.156-2019,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JUNE 29, 2021]: Sec. 6. (a) As used in this section, "hyperbaric oxygen
- 6 treatment" means treatment for traumatic brain injury or posttraumatic
- 7 stress disorder that is ordered by a health care provider and delivered
- 8 in a hyperbaric chamber.
- 9 (b) The department shall establish a pilot program for the purpose
- 10 of providing assistance for each provider that has been approved by the
- 11 state department of health to provide diagnostic testing and hyperbaric
- 12 oxygen treatment to veterans receiving treatment under section 4(b) of
- 13 this chapter.

1 (c) The state department of health shall issue a request for proposals
 2 ~~to select up to five (5) providers that collectively represent the north,~~
 3 ~~south, east, west, and central geographic areas of~~ **twice annually**
 4 **within** Indiana to offer the treatment described in section 4(b) of this
 5 chapter.

6 (d) An individual veteran is eligible to begin treatment if the service
 7 related event that caused the traumatic brain injury or posttraumatic
 8 stress disorder is documented by a licensed physician.

9 (e) An individual veteran may not be required to pay a co-pay under
 10 the pilot program.

11 (f) A grant under the pilot program established under subsection (b)
 12 may be provided only to the provider chosen by the state department of
 13 health to provide diagnostic testing and hyperbaric oxygen treatment
 14 to veterans.

15 (g) The state department of health, after consulting with the
 16 department, shall adopt rules under IC 4-22-2 to implement section
 17 4(b) of this chapter, including standards for the following:

18 (1) Determination by a provider that an individual is a veteran
 19 eligible for participation in the pilot program.

20 (2) Determination by the state department of health that a
 21 provider is eligible to participate in the pilot program, including:

22 (A) a requirement that the provider must maintain compliance
 23 with applicable fire codes, treatment protocols, and state
 24 department of health oversight; and

25 (B) other facility standards determined by the state department
 26 of health.

27 (3) Treatment plan requirements, including the following:

28 (A) A provider's submission to the state department of health,
 29 before providing hyperbaric oxygen treatment to a veteran, of
 30 a treatment plan that includes:

31 (i) a health care provider's prescription for hyperbaric
 32 oxygen treatment;

33 (ii) verification by the provider that the veteran is eligible
 34 for participation in the pilot program and voluntarily accepts
 35 treatment through the pilot program;

36 (iii) an estimate of the cost of the veteran's treatment; and

37 (iv) any other information required by the state department
 38 of health.

- 1 (B) A reasonable time frame for:
 2 (i) approval or disapproval by the state department of health
 3 of a treatment plan described in clause (A); and
 4 (ii) notice to the provider of approval or disapproval of the
 5 treatment plan.
- 6 (C) Contingent on sufficient funding available in the fund,
 7 approval of each treatment plan that meets the requirements
 8 established by the state department of health under this
 9 section.
- 10 (D) The sources of funding for the estimated treatment cost for
 11 each veteran whose treatment plan is approved under this
 12 section.
- 13 (4) Criteria for approval of payment for treatment that has been
 14 verified by the state department of health to have been provided
 15 under a treatment plan approved under subdivision (3), including:
 16 (A) whether a drug or device used in the treatment plan has
 17 been approved for any purpose by the federal Food and Drug
 18 Administration; **and**
 19 (B) **health improvement verification** of the veteran receiving
 20 the treatment, as demonstrated through:
 21 (i) ~~standardized; independent pretreatment and~~
 22 ~~posttreatment neuropsychological testing;~~ **billing**
 23 **documentation from the provider of the hyperbaric**
 24 **oxygen therapy treatments; or**
 25 (ii) ~~nationally accepted survey instruments;~~ **attendance**
 26 **documentation signed by the provider and treatment**
 27 **recipient attesting to the receipt of the prescribed**
 28 **treatments.**
 29 (iii) ~~neurological imaging; or~~
 30 (iv) ~~clinical examination; and~~
 31 (E) ~~receipt by the state department of health of pretreatment~~
 32 ~~and posttreatment evaluation documentation.~~
- 33 (5) Confidentiality of all individually identifiable patient
 34 information of a veteran. However, subject to the requirements of
 35 the federal Health Insurance Portability and Accountability Act
 36 and any other applicable medical record laws, all data and
 37 information from which the identity of an individual veteran
 38 cannot be reasonably ascertained must be available to the general

1 assembly, participating institutional review boards, participating
 2 health care providers, medical researchers, and other
 3 governmental agencies.

4 (h) A provider under this section, including a physician who
 5 supervises treatment, shall bill the pilot program and be paid at cost out
 6 of the grant amount awarded to the provider. No providers may profit
 7 from services provided under the pilot program. Services offered under
 8 the pilot program are provided as a service to veterans.

9 (i) Each provider shall quarterly file a status report concerning the
 10 services provided by the provider under the pilot program with the
 11 following:

- 12 (1) The department.
- 13 (2) The state department of health.

14 (j) At the conclusion of the pilot program, the department, in
 15 collaboration with the state department of health, shall prepare a
 16 written final report and transmit it to the following:

- 17 (1) The governor.
- 18 (2) The leadership of the legislative council in electronic format
 19 under IC 5-14-6.
- 20 (3) The chairperson of the house committee on veterans affairs
 21 and public safety.
- 22 (4) The chairperson of the senate committee on veterans affairs
 23 and the military.

24 The report required under this subsection must be made available on
 25 the department's Internet web site.

26 (k) This section expires ~~June 30, 2021~~. **June 30, 2025**."

27 Page 1, line 5, delete "and" and insert "**or**".

28 Page 1, line 6, after "(2)" insert "**nursing services and**".

29 Page 2, after line 3, begin a new line block indented and insert:

30 **"(4) A person providing services under the Program of**
 31 **All-Inclusive Care for the Elderly (PACE) described in**
 32 **IC 12-15-43.**

33 SECTION 3. P.L. 156-2019, SECTION 2, IS AMENDED TO READ
 34 AS FOLLOWS [EFFECTIVE UPON PASSAGE]: (a) The following
 35 definitions apply throughout this SECTION:

- 36 (1) "Department" refers to the Indiana department of veterans'
 37 affairs.
- 38 (2) "Pilot program" refers to the pilot program established under

1 IC 10-17-13.5-6, as amended by this act, to provide assistance to
2 approved providers that furnish diagnostic testing and hyperbaric
3 oxygen treatment to veterans.

4 (b) Money appropriated to the department in P.L.217-2017,
5 SECTION 8, for purposes of the pilot program for state fiscal years
6 beginning July 1, 2017, and ending June 30, 2019, and remaining
7 unspent at the end of the state fiscal year ending June 30, 2019:

8 (1) remains available to the department for the purposes of the
9 pilot program; and

10 (2) does not revert to the state general fund.

11 (c) Money appropriated to the department for purposes of the pilot
12 program for state fiscal years beginning July 1, 2017, and ending June
13 30, 2019, may not be spent after June 30, ~~2021~~ **2025**. Any money
14 appropriated to the department for the pilot program that remains
15 unspent after June 30, ~~2021~~ **2025**, reverts to the state general fund.

16 (d) This SECTION expires July 1, ~~2021~~ **2025**.

17 SECTION 4. **An emergency is declared for this act.**"

18 Renumber all SECTIONS consecutively.

(Reference is to HB 1497 as introduced.)

and when so amended that said bill do pass.

Representative Barrett

